

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35523

CSX TRANSPORTATION, INC.—JOINT USE—
LOUISVILLE & INDIANA RAILROAD COMPANY, INC.

Decision No. 6

Decided: November 22, 2013

By application filed on June 14, 2013, and supplemented on July 2, 2013, CSX Transportation, Inc. (CSXT) and Louisville & Indiana Railroad Company, Inc. (L&I) are seeking Board approval under 49 U.S.C. § 11323 et seq. for joint use by CSXT and L&I of L&I's 106.5-mile railroad line between its connection with CSXT in Indianapolis, Ind., milepost 4.0 \pm , and its connection with CSXT in Louisville, Ky., milepost 110.5 \pm (the Line). CSXT seeks to acquire and use a perpetual, non-exclusive freight railroad operating easement in order to jointly use the Line. By a decision served on August 1, 2013 (Decision No. 3), the Board determined that the application was complete and adopted a procedural schedule for consideration of the application under which a final decision would be issued by December 6, 2013, and would become effective by December 26, 2013, provided that the environmental review process had been completed. The Board reserved the right to adjust the schedule if circumstances warranted.

On August 30, 2013, the Board's Office of Environmental Analysis (OEA), issued a Draft Environmental Assessment (EA). Comments on the Draft EA were due September 30, 2013. By a notice served on November 22, 2013, OEA announced that it has determined that the preparation of a Supplemental Draft EA is necessary. OEA states that it will address the comments received on the Draft EA and the Supplemental Draft EA in a single Final EA. That Final EA should complete the environmental review for this case.

Approval of the application is dependent on the completion of the environmental review process. Therefore, in order for the Board to consider the environmental aspects of the proposed transaction, a final decision on the merits of the application will not be issued in accordance with the previously adopted procedural schedule. The procedural schedule will be held in abeyance to allow OEA to complete the Supplemental Draft EA and Final EA and the Board to consider the entire environmental record in deciding whether to approve the application.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The procedural schedule in this proceeding is held in abeyance pending completion of the environmental review process and further Board order.

2. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.